

## REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The Patent Examiner states on page 3 of the Office Action, that the feature "and at least one polymerisable group is incorporated in the hybrid particle" does not contribute over the prior art in view of *Lestini*. But *Lestini* just discloses an oligosaccharide and the RGD peptide, which comprise a polymerisable group. The applicant's polymerisable group is located on the lipid layer of the hybrid particle, i.e. the non-polar hydrocarbon chain of the hybrid particle (page 11, last paragraph to page 12, first paragraph AND Fig. 2). The polymerisable group has the technical effect that due to cross-linking of the lipid layers in two dimensions the particles are stable for longer times and therefore a controlled release of micro-nutrients from the particles takes place. Polymerisation within the self-organised lipid layers leads to stabilisation and can be used as a means of controlling the release of trapped micronutrients.

The polymerisable group of *Lestini et al* is placed on the oligosaccharide or the RGD-peptide and is not additionally added. The polymerisable group of the claimed invention is located on the lipid molecule of the lipid layer on the non-polar

hydrocarbon chain of the hybrid particle and is additionally added.

Therefore, claim 25 has been amended as follows in order to emphasize this difference over the prior art.

"Transport system for substances containing hybrid particles (2) comprising at least one layer of lipid molecules (3) and at least one via a spacer unit (4) bonded ligand, which ligand is a peptide (5), which has a specific sequence for selective transport purposes and the selectively transported liposome transports at least one micronutrient wherein at least one polymerisable group (9) is incorporated in the lipid molecule of the hybrid particles (2)."

The disclosure for the above mentioned amendment can be found on page 11 last paragraph and Fig. 2 of the originally filed application.

*Lestini et al* neither discloses the use of polymerizable groups in the lipid layer nor is it obvious to a person skilled in the art to include polymerizable groups in the lipid layers.


It is believed that the present invention is directed to a unitary inventive concept, namely, a transport system for active substances and a method of transporting active substances. It is believed that any search for the transport system and all the several related species would necessarily include a search for the method of transport and all the related species. Thus, a simultaneous search for all Groups of claims and species is believed not to constitute an unreasonable search for the Patent Examiner.

In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the species. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant expressly reserves the right to file divisional patent applications for the non-elected species and for the non-selected inventions.

For all these reasons, it is respectfully requested that the Requirement for Selection of Inventions and for Election of Species under 35 U.S.C. 121 be withdrawn, and that an action on the merits of all the claims be rendered.

Respectfully submitted,  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 2, 2010.

  
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Amy Klein

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